BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT

BILASPUR

W.P. No. 3362 Of 2004.

PETITIONERS :- 1. Tushar Kanti Bose, President,

2. R.S. Dash, Vice-President,

3. Jhaduram (dead), Member,

4. Smt. M.K. Bose, Member,

5. Kalpana Kar, Member,

6. D.K. Rai, Member,

7. Samir Sarkar, Member,

8. Anand Bagchi, Menber,

9. Shakeel Ahmed, Member,

10. Nagrik Grih Nirman Sahkari Samiti Maryadit, Jagdalpur (C.G.)

All 1 to 10 (except no.3) through Nagik Grih Nirman Sahkari Samiti Maryadit, Jagdalpur (Chhattisgarh).

P.R. No. 3319/04
Presented by Shri [illegible] Agrawal
dated 16-9-04

16-9-04

8/11/04

V E R S U S

RESPONDENTS :- 1. Deputy Registrar, Co-operative Societies, Bastar, District Jagdalpur (C.G),

Contd..2..

2. State of Chhattisgarh, Through the Secretary, Department of Co-operative Societies, Mantralaya, D.K.S. Bhawan, G.E. Road, Raipur, District Raipur (Chhattisgarh).

PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(91)

आदेश पत्रक

मामला क्रमांक W.P. 3362/2004 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26-10-2004

Shri H.B. Agrawal, counsel for the petitioners.

Shri Sanjay S. Agrawal, Government Advocate for the respondents.

Heard.

By this writ petition filed under Article 227 of the Constitution of India the petitioners seek to challenge the award dated 22.7.2004 passed by respondent No.1 whereby the petitioner Nagrik Grih Nirman Sahakari Samiti Maryadit, Jagdalpur has been superseded.

It has been mentioned in para 5 of the petition that against the impugned order the petitioners made a representation before the Director, Co-operative Societies on 18.8.2004, copy of the same is annexure P-6, but that has not been decided.

Learned Government Advocate argued that in view of the provisions of Section 77 (1) (iii) of Chhattisgarh Co-operative Societies Act, 1960, (hereinafter referred to as 'the Act') the impugned order is appealable and the petitioners are entitled to file an appeal before the State Government. Therefore, alternative remedy was available to the petitioners but they have not preferred the appeal before the State Government.

Learned counsel for the petitioners submitted that if the petitioners will file an appeal, then period of limitation will come in their way.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 3362/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and the fact that as per the provisions of Section 77 (1) (iii) of the Act the petitioners are entitled to file an appeal before the State Government, therefore, alternative remedy is available to the petitioner and they ought to have filed an appeal before the State Government. In view of the above, the writ petition is not maintainable. However, the petitioners are allowed to file an appeal within two weeks from today before the State Government. If so advised, if the appeal is filed within two weeks from today, the State Government shall decide the same on its own merits in accordance with law. With the direction aforesaid, the petition stands disposed of. Consequently, M.W.P.No.2957/2004 and I.A. No. 7165/2004 also stand disposed of. Certified copy as per rules **Sd/-** **L.C. Bhadoo** **Judge**	

Barve/sunita

[पीछे देखिये